



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,001	07/28/1999	STEVEN J. MOORE	3243-2-4-1-1-1	7561

22442 7590 07/24/2002

SHERIDAN ROSS PC  
1560 BROADWAY  
SUITE 1200  
DENVER, CO 80202

[REDACTED] EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 07/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/363,001	MOORE ET AL.
	Examiner	Art Unit
	Moustafa M Meky	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 May 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) 33,34,39-42,47 and 48 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 29-32, 35-38, 43-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)                            4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                    6) Other: \_\_\_\_\_

Art Unit: 2153

1. The response to the election/restriction requirement filed 5/7/2002 has been entered and considered by the examiner.
2. Claims 29-32, 35-38, and 43-46 are presenting for examination.

3A. Applicant's request for an interference is defective for the following:

\* Applicant' interference request meets some of the criteria of MPEP 2307. On pages 37-45 of the applicant's request, applicant lists 10 counts and identifies the claims "substantially" corresponding to the counts. However, when applicant's claims do not exactly correspond to the count, **the applicant is supposed** to explain why each such claim corresponds to the proposed count (37 CFR1.607(4)).

Thus, **applicant's request for an interference is defective.**

3B. The applicant failed to address and/or to respond to the issue of deficiency of the interference request in his response filed 5/7/2002.

4. Assuming that the applicant would exactly copy the claims of the patent 5,787,253 of McCreery et al. The applicant claims would be subject to 35 USC 112/1st paragraph rejection as follows:

5. Claims 29-32, 35-38, and 43-46 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make

Art Unit: 2153

and/or use the invention. Claims 29-32, 35-38, and 43-46 would state **analyzing internet activity**, comparing the predetermined address (and/or the predetermined port address) to the **internet protocol source address** (and/or the **transmission control protocol source port**) for a current packet, comparing the predetermined address (and/or the predetermined port address) to the **internet protocol destination address** (and/or the **transmission control protocol destination port** address) for the current packet, retaining the current packet **where one of the internet protocol source and destination addresses (and/or the transmission control protocol source and destination port addresses)** for the current packet matches the predetermined address (and/or the predetermined port address). These limitations are not fully supportive in the specification. Therefore, it can be seen from the above discussion that claims 29-32, 35-38, and 43-46 are rejected under 35 U.S.C 112, first paragraph.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess , can be reached on (703) 305-4792 . The fax phone number for this Group is (703) 308-9051 .

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2153

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

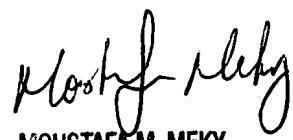
**Or:**

(703) 305-305-7201 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

M.M.M

August 03,2002



MOUSTAFA M. MEKY  
PRIMARY EXAMINER